

#2 Rev/PA  
8-11-99  
M.R.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Shah *et al.*

Appl. No. 09/138,464

Filed: August 21, 1998

For: **Thromboresistant Coating**



Art Unit: 1762

Examiner: To be assigned

Atty. Docket: P296 US  
(1737.0730000)

**Revocation of Prior Power of Attorney and Appointment of New Attorneys of Record**

Assistant Commissioner for Patents  
Washington, D.C. 20231

RECEIVED  
JUN 14 1999  
GROUP 1700

Sir:

The undersigned, having express authority to represent Medtronic AVE, Inc., the assignee of the entire right, title, and interest in the above-captioned application, by assignment dated October 1, 1998, and by merger dated January 28, 1999 (previously filed for recordal), hereby revokes all powers of attorney heretofore given in the above-captioned application and appoints as its attorneys: Richard L. Klein, Registration No. 33,330; Susan M. Schmitt, Registration No. 34,427; Catherine C. Maresh, 35,268; Deanna J. Shirley, Registration No. 39,026; and James F. Crittenden, Registration No. 39,560, with full power of substitution, association, and revocation, to prosecute said application and to transact all business in the United States Patent and Trademark Office connected therewith.

The undersigned hereby grants said attorneys the power to insert on this Power of Attorney any further identification that may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office.

Send all correspondence to:

Richard L. Klein  
MEDTRONIC AVE, INC.  
3576 Unocal Place  
Santa Rosa, California 95403

Direct telephone calls to (707) 541-3155.

On behalf of **Medtronic AVE, Inc.:**

FOR: Medtronic AVE, Inc.

SIGNATURE:

BY: Richard L. Klein

TITLE: Vice President

DATE:

6/1/89



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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**Associate Power of Attorney**

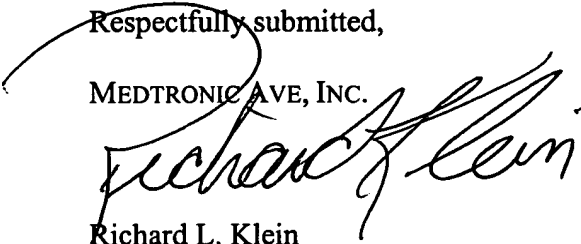
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned, Richard L. Klein, attorney of record in the present application, hereby appoints David K.S. Cornwell, Registration No. 31,944; Tracy-Gene G. Durkin, Registration No. 32,831; and Linda E. Alcorn, Registration Number 39,588, of the firm **STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.**, 1100 New York Avenue, N.W., Suite 600, Washington, D.C. 20005-3934 as Associate Attorneys with full power to prosecute the above-identified application.

Respectfully submitted,

MEDTRONIC AVE, INC.

  
Richard L. Klein  
Attorney for Applicants  
Registration No. 33,330

Date: 6/1/99

MEDTRONIC AVE, INC.  
3576 Unocal Place  
Santa Rosa, California 95403

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SKGF Rev. 1/27/98 dcw

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JUN 14 1999  
**GROUP 1700**

## Certificate Under 37 C.F.R. § 3.73(b)

Applicants: Chirag B. Shah et al.

Application No.: 09/138,464

Filed: August 21, 1998

Entitled: Thromboresistant Coating

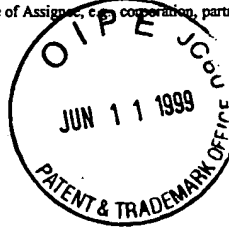
Medtronic AVE, Inc., a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest, or
2. ☐ an assignee of an undivided part interest



in the patent application/patent identified above by virtue of either:

- A. ☐ An Assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor of the patent application identified above to the current assignee as shown below:

1. From: Chirag B. Shah et al. To: C.R. Bard, Inc.

The document was recorded in the Patent and Trademark Office at Reel 9680, Frame 0275, or for which a copy thereof is attached.

2. From: C.R. Bard, Inc. To: Arterial Vascular Engineering, Inc.

The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: Arterial Vascular Engineering, Inc. To: Medtronic AVE, Inc.

The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

**[NOTE:]** A separate copy (*i.e.*, the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

**RECEIVED**

Date:

6/1/99

**JUN 14 1999**

Name: Richard L. Klein

**GROUP 4700**

Title:

Vice President

Signature:

A handwritten signature in cursive script, appearing to read "Richard L. Klein".

BARD PATENT ASSIGNMENT

THIS ASSIGNMENT, made this 1st day of October, 1998 by and between C. R. Bard, Inc., a New Jersey corporation, having a place of business at 730 Central Avenue, Murray Hill, New Jersey 07974 (hereinafter referred to as "ASSIGNOR"), and Arterial Vascular Engineering, Inc., a Delaware corporation, having a place of business at 3576 Unocal Place, Santa Rosa, California 95403 (hereinafter referred to as "ASSIGNEE").

W I T N E S S E T H :

WHEREAS, ASSIGNOR is the owner of the worldwide right, title and interest in and to certain patents and patent applications set forth on Schedule 1.1(b)(ix) of that certain Stock and Asset Purchase Agreement entered into between ASSIGNOR and ASSIGNEE on July 9, 1998, that Schedule modified by an August 31, 1998 Letter Amendment between ASSIGNOR and ASSIGNEE.

WHEREAS, Schedule A, attached hereto and made part of this Assignment, lists those patents and patent applications owned by ASSIGNOR, as reflected by Schedule 1.1(b)(ix) and as modified by the August 31, 1998 Letter Amendment (hereinafter as listed on Schedule A, "Bard Patent Rights").

WHEREAS, ASSIGNEE, by virtue of the Stock and Asset Purchase Agreement, is desirous of acquiring ASSIGNOR'S worldwide right, title and interest in and to said Bard Patent Rights, together with any and all patents throughout the world resulting therefrom;

NOW, THEREFORE, be it known that for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by ASSIGNOR, ASSIGNOR does

hereby assign and transfer unto ASSIGNEE ASSIGNOR'S worldwide right, title and interest in and to said Bard Patent Rights and in and to all letters patents, United States and foreign, that may be granted therefrom, and the right to recover damages for past infringement thereunder, the same to be held and enjoyed by ASSIGNEE and its successors and assigns, as fully and entirely as the same would have been held and enjoyed by ASSIGNOR if this Assignment and sale had not been made;

AND ASSIGNOR hereby authorizes and requests the United States Patent and Trademark Office, together with any and all officials of countries foreign to the United States whose duty it is to issue patents in those countries, to issue said letters patent, United States and foreign, in accordance with this Assignment;

AND for the consideration aforesaid, ASSIGNOR further covenants and agrees that it will, whenever reasonably requested, but without cost to itself, execute such papers that may be reasonably necessary to enable ASSIGNEE or its representatives, successors, nominees, or assigns to secure full and complete protection for said Bard Patent Rights hereby conveyed, or that may be reasonably necessary to vest in ASSIGNEE the complete title to said Bard Patent Rights hereby conveyed, and enable it to record said title.

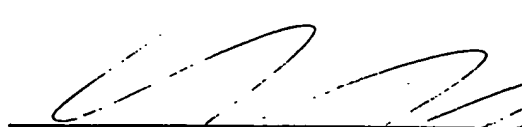
IN WITNESS WHEREOF, the parties hereto have executed this Assignment as  
of the date and year first written above.

Signed and delivered for  
and on behalf of the said  
C. R. Bard, Inc.

in the presence of:

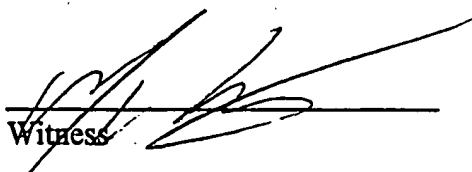
  
Witness

C. R. BARD, INC.

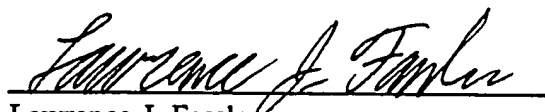
  
Richard A. Flink  
Senior Vice President, General Counsel  
and Secretary

Signed and delivered for  
and on behalf of the said  
Arterial Vascular Engineering, Inc.

in the presence of:

  
Witness

ARTERIAL VASCULAR ENGINEERING,  
INC.

  
Lawrence J. Fassler  
Vice President, General Counsel and  
Secretary

Schedule A

Patent ASSETS of C. R. Bard, Inc.

FILE NUMBER

TITLE

APPL. NUMBER

DATE FILED

PATENT NUMBER

DATE ISSUED

COUNTRY

EXPIRATION DATE

COMMENTS

**REDACTED**



Patent ASSETS of C. R. Bard, Inc.

FILE NUMBER	TITLE	APPL NUMBER	DATE FILED	PATENT NUMBER	DATE ISSUED	COUNTRY	EXPIRATION DATE	COMMENTS
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REDACTED

190-PDD-98-02  
BAK-073.01

Thromboresistant Coating and  
Method of Application

Waiting #

08/21/1998

United States

REDACTED

*State of Delaware*  
*Office of the Secretary of State*

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PAGE 1

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

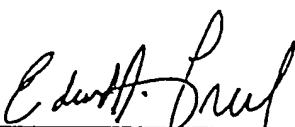
"MAV MERGER CORP.", A DELAWARE CORPORATION,  
WITH AND INTO "ARTERIAL VASCULAR ENGINEERING, INC." UNDER THE NAME OF "MEDTRONIC AVE, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE TWENTY-EIGHTH DAY OF JANUARY, A.D. 1999, AT 3 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



2269660 8100M

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\_\_\_\_\_  
Edward J. Freel, Secretary of State

AUTHENTICATION: 9547248

DATE: 01-28-99

CERTIFICATE OF MERGER  
OF  
MAV MERGER CORP.  
INTO  
ARTERIAL VASCULAR ENGINEERING, INC.

The undersigned corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware,

DOES HEREBY CERTIFY:

FIRST, That the name and state of incorporation of each of the constituent corporations of the merger is as follows:

<u>Name</u>	<u>State of Incorporation</u>
Arterial Vascular Engineering, Inc.	Delaware
MAV Merger Corp.	Delaware

SECOND: That an Agreement and Plan of Merger between the parties to the merger has been approved, adopted, certified, executed and acknowledged by each of the constituent corporations in accordance with the requirements of subsection (c) of Section 251 of the General Corporation Law of the State of Delaware.

THIRD: That the name of the surviving corporation of the merger is Arterial Vascular Engineering, Inc., which upon the merger will change its name to "Medtronic AVE, Inc."

FOURTH: That the restated certificate of incorporation of the surviving corporation shall, as a result of the merger, be amended and restated in its entirety to read as set forth on Exhibit A hereto.

FIFTH: That the executed Agreement and Plan of Merger is on file at an office of the surviving corporation. The address of such office of the surviving corporation is 3576 Unocal Place, Santa Rosa, California 95403.

SIXTH: That a copy of the Agreement and Plan of Merger will be furnished by the surviving corporation, on request and without cost, to any stockholder of any constituent corporation.

ARTERIAL VASCULAR ENGINEERING, INC.

By:



Lawrence J. Fassler  
Vice President of Legal Affairs; General Counsel and  
Secretary

AMENDED AND RESTATED CERTIFICATE OF INCORPORATION  
OF  
ARTERIAL VASCULAR ENGINEERING, INC.

ARTICLE 1 - NAME

The name of the corporation shall be Medtronic AVE, Inc.

ARTICLE 2 - REGISTERED OFFICE AND AGENT

The registered office of the corporation in the State of Delaware is 1209 Orange Street, in the City of Wilmington, County of New Castle, Delaware, 19801. The name of its registered agent at such address is The Corporation Trust Company.

ARTICLE 3 - PURPOSES

The nature of the business or purposes to be conducted or promoted by the corporation is to engage in any lawful acts and activities for which corporations may be organized under the General Corporation Law of Delaware.

ARTICLE 4 - STOCK

The aggregate number of shares the corporation has authority to issue shall be 2,500 shares of Common Stock, \$.01 par value. Holders of Common Stock shall be entitled to one vote for each share of Common Stock held of record.

ARTICLE 5 - RIGHTS OF STOCKHOLDERS

5.1) No Preemptive Rights. No holder of shares of the corporation of any class now or hereafter authorized has any preferential or preemptive right to subscribe for, purchase or receive any shares of the corporation of any class now or hereafter authorized, or any options or warrants for such shares, which may at any time be issued, sold or offered for sale by the corporation.

5.2) No Cumulative Voting Rights. No holder of shares of the corporation of any class now or hereafter authorized shall be entitled to cumulative voting.

#### ARTICLE 6 - MEETINGS AND BOOKS

6.1) Meetings of Stockholders and Election of Directors. Meetings of stockholders may be held within or outside the State of Delaware, as the Bylaws may provide. Elections of directors need not be by written ballot unless and except to the extent that the Bylaws so provide.

6.2) Corporate Books. The books of the corporation may be kept within or (subject to any provision contained in the statutes) outside the State of Delaware at such place or places as may be designated from time to time by the Board of Directors or in the Bylaws of the corporation.

#### ARTICLE 7 - LIMITATION OF DIRECTOR LIABILITY

7.1) Limitation of Liability. A director of the corporation shall not be personally liable to the corporation or its stockholders for monetary damages for any breach of fiduciary duty as a director, except for liability (i) for any breach of the director's duty of loyalty to the corporation or its stockholders, (ii) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, (iii) under Section 174 of the Delaware General Corporation Law, or (iv) for any transaction from which the director derived an improper personal benefit. If the Delaware General Corporation Law is amended after approval by the stockholders of this Article to authorize corporate action further eliminating or limiting the personal liability of directors, then the liability of a director shall be eliminated or limited to the fullest extent permitted by the Delaware General Corporation Law, as so amended.

7.2) Amendment of this Article. Any repeal or modification of this Article 7 shall be prospective and shall not affect the rights under this Article 7 in effect at the time of the alleged occurrence of any act or omission to act giving rise to liability or indemnification.

#### ARTICLE 8 - BYLAWS

The Board of Directors is expressly authorized to make and alter Bylaws of this corporation, subject to the power of the stockholders to change or repeal such Bylaws and subject to any other limitations on such authority provided by the General Corporation Law of Delaware.

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